

**UNITED STATES BANKRUPTCY COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	Chapter 7
)	
MICHELLE LAM,)	Bankruptcy No. 20 B 12965
)	
Debtor.)	Honorable Timothy A. Barnes

NOTICE OF MOTION

TO: See attached list

PLEASE TAKE NOTICE that on **Monday, October 19, 2020 at 1:00 p.m.**, I will appear before the Honorable Timothy A. Barnes, or any judge sitting in that judge's place, and present the **Trustee's Motion for Authority to Sell to Debtor the Estate's Right, Title, and Interest in Real Property**, a copy of which is attached.

This motion will be presented and heard electronically using Zoom. No personal appearance in court is necessary or permitted. You may appear using the regular Zoom application or Zoom for government. To appear and be heard on the motion, you must do the following:

To appear electronically using Zoom for government, join by using this link: <https://www.zoomgov.com/j/1613295276?pwd=ZEJyK3V6OUFLQlphcVBBUXpYQ1dPZz09#success> or by following the instructions to join a meeting within the Zoom app or browser. Then enter the meeting ID and password below.

To appear electronically using the regular Zoom application, use the meeting ID and password below. If you are not logged in to a Zoom account, prior to entry of the hearing you are required to enter your full name. When entering your appearance name, either at this stage or when establishing a Zoom account, use your full first and last name. Example: John Doe is acceptable, but J. Doe is not. No aliases, firm names, client names, use of other persons' accounts will be accepted.

To appear by telephone, call the following number: (312) 626-6799. Then enter the meeting ID and password below.

Meeting ID and password. The meeting ID for this hearing is 161 329 5276, and the password is 433658. The meeting ID and password can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Date: September 28, 2020

**DAVID P. LEIBOWITZ, not individually, but as the
Chapter 7 Trustee of the Debtor's Estate**

By: /s/ David P. Leibowitz
David P. Leibowitz (ARDC # 1612271)
Law Offices of David P. Leibowitz, LLC
53 West Jackson Boulevard, Suite 1115
Chicago, IL 60604
(312) 662-5750

CERTIFICATE OF SERVICE

I, Linda A. Green, certify that I served a copy of this notice and the attached motion on each entity shown on the attached list at the address shown and by the method indicated on the list on September 28, 2020, at 7:00 p.m.

/s/ Linda A. Green

Attorney

SERVICE LIST

Parties served via electronic notice through CM/ECF:

Patrick S Layng USTPRegion11.ES.ECF@usdoj.gov

Karl Meyer ND-Four@il.cslegal.com

David M Siegel davidsiegelbk@gmail.com,
R41057@notify.bestcase.com;johnellmannlaw@gmail.com

Parties served via first class U.S. mail: See attached service list

SERVICE LIST

Citi/Sears
Citibank/Centralized Bankruptcy
PO Box 790034
St Louis, MO 63179-0034

Ethicon Suture Co
5235 W 65th St
Chicago, IL 60638-5700

Credit Collection Services
Attn: Bankruptcy
PO Box 773
Needham, MA 02494-0918

PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Mr. Cooper
Attn: Bankruptcy
8950 Cypress Waters Blvd
Coppell, TX 75019-4620

LVNV Funding/Resurgent Capital
Attn: Bankruptcy
PO Box 10497
Greenville, SC 29603-0497

Nationstar Mortgage LLC d/b/a Mr. Cooper
c/o Codilis & Associates, P.C.
15W030 North Frontage Road, Suite 100
Burr Ridge, IL 60527-6921

Midland Funding
Attn: Bankruptcy
350 Camino De La Reina Ste 100
San Diego, CA 92108-3007

Citibank
Citicorp Credit Svcs/Centralized Bk dept
PO Box 790034
St Louis, MO 63179-0034

Wells Fargo Bank NA
Attn: Bankruptcy
1 Home Campus Mac X2303-01a
Des Moines, IA 50328-0001

Synchrony Bank
c/o PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

Capital One
Attn: Bankruptcy
PO Box 30285
Salt Lake City, UT 84130-0285

Target
c/o Financial & Retail Svcs
Mailstop BT POB 9475
Minneapolis, MN 55440-9475

PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

Michelle Lam
2118 N. Keeler Avenue, Apt 1
Chicago, IL 60639-3604

IC System, Inc
Attn: Bankruptcy
PO Box 64378
Saint Paul, MN 55164-0378

**UNITED STATES BANKRUPTCY COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	Chapter 7
)	
MICHELLE LAM,)	Bankruptcy No. 20 B 12965
)	
Debtor.)	Honorable Timothy A. Barnes

**TRUSTEE’S MOTION FOR AUTHORITY TO SELL TO DEBTOR THE ESTATE’S
RIGHT, TITLE, AND INTEREST IN REAL PROPERTY**

David P. Leibowitz (the “Trustee”), not individually, but as chapter 7 trustee for the estate of Michelle Lam (“Debtor”), hereby moves for an order authorizing the Trustee to sell to Debtor the estate’s right, title, and interest in certain real property located at 2118 N. Keeler Avenue, Chicago, Illinois 60639, pursuant to § 363(b) of the Bankruptcy Code, and in support of same, respectfully states as follows:¹

JURISDICTION

1. This Court has jurisdiction over this case pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2)(A), (N), and (O).

2. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3. By Local Rule 40.3.1(a) of the United States District Court for the Northern District of Illinois, the District Court has referred all bankruptcy cases to the Bankruptcy Court for initial determination, as permitted by 28 U.S.C. § 157(a).

FACTUAL AND PROCEDURAL BACKGROUND

4. On June 25, 2020 (the “Petition Date”), Debtor filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code.

¹ All chapter, section and rule references, unless otherwise noted, are to the Bankruptcy Code, 11 U.S.C. §§ 101-1532 (“Code”), and the Federal Rules of Bankruptcy Procedure, Rules 1001-9037.

5. David P. Leibowitz is the duly appointed, qualified, and acting chapter 7 trustee.

6. On Schedule A, Debtor listed her ownership interest in the real property commonly known as 2118 N. Keeler Avenue, Chicago, Illinois 60639 (the “Real Estate”). She listed the value of the Real Estate in Schedule A as \$285,000. In her Schedule D, Debtor listed the amount of the outstanding mortgage on the Real Estate as \$195,361. Debtor has claimed a \$15,000 exemption in the Real Estate.

7. The Trustee has received from Debtor an offer to purchase the estate’s right, title, and interest in the Real Estate for the sum of \$15,000.00, payable in full at or before the hearing on this Motion.

REQUESTED RELIEF

8. The Trustee requests that the Court enter an order authorizing the Trustee to sell to Debtor the estate’s right, title, and interest in the Real Estate for the sum of \$15,000.00, as set forth above.

BASIS FOR REQUESTED RELIEF

9. Section 363(b) provides, in relevant part, that “[t]he trustee, after notice and a hearing, may use, sell, or lease, other than in the ordinary course of business, property of the estate.”

10. The Trustee believes that the sale to Debtor of the estate’s right, title, and interest in the Real Estate for the sum of \$15,000.00 will result in the highest possible recovery for the estate in a short period. Accordingly, the Trustee submits that the proposed sale constitutes a prudent exercise of his business judgment under the circumstances of this case and is in the best interests of the Debtor’s estate and its creditors.

NOTICE

11. Pursuant to FED. R. BANKR. P. 2002(a)(2), not less than twenty-one (21) days’ notice of this motion was provided to: (a) the Debtor; (b) the Debtor’s counsel; (c) the Office of the

United States Trustee; (d) all known creditors of the Debtor's estate; and (e) all parties who have requested or receive notice through CM/ECF. In light of the nature of the relief requested, the Trustee requests that this Court find the notice provided for herein sufficient under the circumstances and waive and dispense with any further notice requirements.

WHEREFORE, David P. Leibowitz, chapter 7 Trustee of the estate of Michelle Lam, respectfully requests that this Court enter an order:

- (i) granting this Motion;
- (ii) authorizing the Trustee to sell to Debtor the estate's right, title, and interest in the real property commonly known as 2118 N. Keeler Avenue, Chicago, Illinois 60639 for the sum of \$15,000.00 pursuant to § 363(b) of the Bankruptcy Code;
- (iii) authorizing the Trustee to execute any and all documents reasonably necessary to effectuate said sale; and
- (iv) granting such other and further relief as the Court deems just and proper.

Dated: September 28, 2020

Respectfully submitted,

**DAVID P. LEIBOWITZ, not individually, but as
the Chapter 7 Trustee of the Debtor's Estate**

By: /s/ David P. Leibowitz
David P. Leibowitz (ARDC # 1612271)
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